

5-3-2011

State v. Randle Augmentation Record Dckt. 38047

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In the Supreme Court of the State of Idaho

LAW CLERK

STATE OF IDAHO,

Plaintiff-Respondent,

v.

CHRISTOPHER HOMER RANDLE,

Defendant-Appellant.

ORDER GRANTING MOTION TO
AUGMENT THE RECORD

Supreme Court Docket No. 38047-2010
Kootenai County Docket No. 2010-153

A MOTION TO AUGMENT THE RECORD AND STATEMENT IN SUPPORT THEREOF was filed by counsel for Appellant on April 22, 2011. Therefore, good cause appearing, IT HEREBY IS ORDERED that Appellant's MOTION TO AUGMENT THE RECORD be, and hereby is, GRANTED and the augmentation record shall include the document listed below, file stamped copies of which accompanied this Motion:

1. Order Suspending Execution of Judgment and Sentence and Notice of Right to Appeal, file-stamped January 11, 2011.

DATED this 3rd day of May, 2011.

For the Supreme Court

Stephen W. Kenyon

Stephen W. Kenyon, Clerk

cc: Counsel of Record

AUGMENTATION RECORD

ORDER GRANTING MOTION TO AUGMENT THE RECORD – Docket No. 38047-2010

ORDER GRANTING MOTION TO AUGMENT THE RECORD – Docket No. 38047-2010

SFU

STATE OF IDAHO
COUNTY OF KOOTENAI
FILED
AT 10:00 O'CLOCK A.M.
CLERK, DISTRICT COURT
DEPUTY TMB

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO
Plaintiff,

vs

CHRISTOPHER HOMER RANDLE
CHRIS H. RANDLE
CHRIS HOMER RANDLE
CHRIST RANDLE
CHRISTOPHEHR H
DOB [REDACTED]
SS# [REDACTED]
Defendant,

CASE NO. CR 2010-153

ORDER SUSPENDING EXECUTION
OF JUDGMENT AND SENTENCE
AND NOTICE OF RIGHT TO
APPEAL

RECEIVED

APR 22 2011

STATE APPELLATE
PUBLIC DEFENDER

On December 29, 2010, before the Honorable John Patrick Luster, District Judge, you, **CHRISTOPHER HOMER RANDLE** personally appeared for jurisdictional review hearing. Also appearing were Terry Laird, Deputy Prosecuting Attorney for Kootenai County, Idaho, and your lawyer, Lynn Nelson.

WHEREUPON, the court having previously retained jurisdiction in this matter and the addendum to the presentence report filed by the Department of Corrections having been filed with the Court, and the Court having ascertained that you have had an opportunity to read the addendum to the presentence report and review it with your lawyer, and you having been given the opportunity to explain, correct or deny parts of the addendum to the presentence report, and having done so, and you having been given the opportunity to make a statement and having done so, and recommendations having been made by counsel for

ORDER SUSPENDING EXECUTION OF
JUDGMENT AND SENTENCE: Page 1

the State and by your lawyer, and there being no legal reason given why judgment and sentence should not then be pronounced, the Court did then pronounce its judgment and sentence as follows:

IT IS HEREBY ORDERED AND IT IS THE JUDGMENT OF THIS COURT that you, **CHRISTOPHER HOMER RANDLE** are guilty of the crime of **OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL, I.C. 18-8004, 18-8005(5), a felony.**

IT IS HEREBY ORDERED that you, **CHRISTOPHER HOMER RANDLE** are sentenced on the charge **OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL, I.C. 18-8004, 18-8005(5)** to the Idaho Department of Corrections **for a fixed term of two (2) years followed by an indeterminate term of four (4) years for a total unified sentence of not to exceed six (6) years.**

IT IS FURTHER ORDERED that you, **CHRISTOPHER HOMER RANDLE** shall be given credit for time served on the above sentence.

IT IS FURTHER ORDERED, that execution of the above sentence be suspended and you, **CHRISTOPHER HOMER RANDLE** are placed on supervised probation for a period of **three (3) years** upon the terms and set forth below.

IT IS FURTHER ORDERED that you, **CHRISTOPHER HOMER RANDLE** comply with each of the following **TERMS AND CONDITIONS OF PROBATION:**

1. That you shall be place on a level of supervision to be deemed appropriate by the Department of Corrections and further that you follow all rules and regulations as directed by your probation officer and further that you sign a Probation Agreement. That you contact the probation office within twenty four (24) hours (excluding Fridays and weekends) following your release from custody (defendant may have a federal detainer)

2. That you shall not commit any criminal offenses.

3. That you shall submit to searches of your person, personal property, automobiles, and residence without a search warrant at the request or direction of your probation officer of

police officer.

4. That you shall submit to a test of your blood, breath or urine to analysis and at your own expense at the request or direction of your probation officer. This includes an independent request by law enforcement with legal cause to request such testing.

5. That you shall make every effort to obtain and maintain full-time employment or enrolled in a full-time educational program.

6. That you shall pay fines, court costs and/or reimbursement as follows:

a. Court fine, surcharge and costs	\$1,000.00
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TOTAL:	\$1,000.00
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All of the above sums are to be paid to the Kootenai County Clerk, 324 W. Garden, P.O. Box 9000, Coeur d'Alene, ID 83816-9000 in the form of cash, certified check or money order. All costs and fees and restitution are to be paid in full within six (6) months of your release from custody.

7. That you not associate with anyone deemed inappropriate by your probation officer.

8. That you not enter into establishments wherein the primary source of income is derived through the dispensing of alcoholic beverages during the period of your probation. Further that you not consume or possess any alcoholic beverages during the period of your probation.

9. You are precluded from taking any substances that may alter the results of any testing.

10. That you sign a waiver of extradition and further that you not resist any attempts to return you to the State of Idaho.

11. That you shall be given 90 days jail which are unscheduled and may be imposed at any time during your probationary period at the request of your probation officer and written approval of the Court.

12. That you attend and complete any treatment programs as directed by the Probation Department including but not limited to treatment for substance abuse, mental health issues, cognitive self-change, vocational rehabilitation or sexual offender programming. You shall submit to any evaluations for such treatment as directed by the Probation Department.

IT IS FURTHER ORDERED that your privileges to drive a motor vehicle be suspended for one year commencing December 29, 2010, during which you shall have absolutely no driving privileges of any kind. Further, that following your drivers license suspension you are required to have the ignition interlock installed on any automobile you drive for the balance of your probationary period.

IT IS FURTHER ORDERED that your bond be, and hereby is, exonerated.

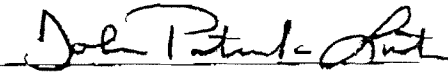
IT IS FURTHER ORDERED that so long as you, **CHRISTOPHER HOMER RANDLE** abide by and perform all of the foregoing conditions, execution of the original judgment and sentence will continue to be suspended. If you violate any of the terms and conditions of your probation, you will be brought before the Court for execution of the balance of your sentence.

NOTICE OF RIGHT TO APPEAL

YOU, CHRISTOPHER HOMER RANDLE ARE HEREBY NOTIFIED that you have a right to appeal this order to Idaho Supreme Court. Any notice of appeal must be filed within forth-two (42) days of the entry of the written order in this matter

YOU ARE FURTHER NOTIFIED that if you are unable to pay the costs of an appeal, you have the right to apply for leave to appeal in forma pauperis or to apply for the appointment of counsel at public expense. If you have questions concerning your right to appeal, you should consult your present lawyer.

ENTERED this 10th day of January, 2011.


John Patrick Luster
District Judge

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the 11th day of January, 2011 a true and correct copy of the foregoing were mailed/delivered by regular U.S. Mail, postage prepaid, Interoffice Mail, Hand Delivered, or Faxed to:

Prosecutor 446-1833 Defense Attorney 446-170 / Defendant _____
KCPSB 446-1407 Auditor _____ Police Agency _____
Bonding Co. _____ Other PP 769-1481

Clifford T. Hayes

CCD 208-658-2186

CLERK OF THE DISTRICT COURT

BY: [Signature], Deputy

#003